

Appl. No. 10/725,595  
Response dated: February 22, 2006  
Reply to Office action of November 22, 2005

### **REMARKS**

Claims 1-32 are pending in the present application. The Examiner acknowledges Applicant's response of November 8, 2005 and entry thereof. Claims 1-7 are rejected, while claims 8-32 are withdrawn. Claims 1 and 7 have been canceled, claims 2, 4, 5 and 6 have been amended and claims 33-35 are new, leaving claims 2-6, 33-35 for consideration upon entry of the present amendment. No new matter was introduced by this amendment. Applicant respectfully requests consideration and allowance of the claims.

#### **Response to Prior Amendment**

Applicant acknowledges that the Examiner correctly reflects that claim 8 is withdrawn from consideration as Applicants Response to Election/Restriction filed July 20, 2005 confirms the election of Group I and Species I readable on claims 1-7. It is noted that upon allowance of a generic claim (i.e., claims 1-4) Applicant will be entitled to consideration of claims to additional species which are written in dependent form (i.e., claim 8) as provided by 37 CFR 1.141.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiyama et al. (U.S. Patent Application No. 2002/0140888) in view of Jones et al. (U.S. Patent No. 6,124,907) and further in view of Gunning, III et al. (U.S. Patent No. 5,638,197) for the reasons stated on pages 2-4 of the Office Action. Applicants respectfully traverse for at least the reasons stated below.

Although the Examiner alleges that the combination of Nishiyama et al., Jones et al. and Gunning, III et al., read as broadly as permissible, reads on claims 1-7, it is respectfully submitted that at least claims 5 and 6 clearly define structure which is not taught or suggested in either of the references of record, either alone or in combination. It is noted that the Examiner's iteration of the rejection to claims 5-7 under § 103(a) is

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applicable only to claim 7. The Examiner has not explicitly addressed the structure recited in claims 5 and 6.

More specifically, although the Examiner alleges that Nishiyama et al. disclose the structure of the LCD recited in claim 7, neither Nishiyama et al., Jones et al. nor Gunning, III et al., either alone or in combination, disclose the recited structure of claims 5 and 6. Jones et al. disclose a polarizer (17) intermediate an alignment layer (13) and a pixel electrode (15), while Gunning, III et al. disclose an O-plate intermediate a polarizer layer (300) and an analyzer layer (305) in claim 7 and FIG. 3. In particular, FIG. 3 of Gunning, III et al. disclose a compensator layer intermediate the polarizer (300) and glass plate (340) and intermediate the analyzer (305) and another glass plate (345).

Neither Nishiyama et al., Jones et al. nor Gunning, III et al., either alone or in combination, disclose a color filter layer disposed on the second transparent substrate, wherein the retardation layer is disposed on the color filter layer, as recited in claim 5, nor a color filter layer disposed on the second transparent substrate; and a protection layer disposed on the color filter layer, wherein the retardation layer is disposed on the protection layer, as in recited claim 6.

Thus, it is respectfully submitted that independent claims 5 and 6, including claims depending therefrom, i.e., claims 2-4 and 33-35, respectively, are patentable over Nishiyama et al. in view of Jones et al. and in further view of Gunning, III et al.

Claims 1 and 7 have been canceled rendering any rejection thereto moot. Claims 33-35 have been added as dependent claims to claim 6 to parallel the subject matter claimed in claims 2-5, respectively.

Accordingly, it is respectfully requested that the rejection to claims 1-7 under § 103 be withdrawn.

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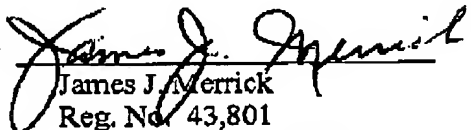
**Conclusion**

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: February 22, 2006